



BILLING CODE: 3410-34-P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS-2010-0023]

Notice of Decision to Authorize the Importation of Fresh Cape Gooseberry Fruit With Husks
From Chile

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public of our decision to authorize the importation into the continental United States of fresh Cape gooseberry fruit (Physalis peruviana L.) with husks from Chile. Based on the findings of a pest risk analysis, which we made available to the public for review and comment through a previous notice, we concluded that the application of one or more designated phytosanitary measures will be sufficient to mitigate the risks of introducing or disseminating plant pests or noxious weeds via the importation of fresh Cape gooseberry fruit from Chile.

EFFECTIVE DATE: [Insert date of publication in the Federal Register].

FOR FURTHER INFORMATION CONTACT: Ms. Claudia Ferguson, Regulatory Policy Specialist, Regulations, Permits, and Manuals, PPQ, APHIS, 4700 River Road Unit 133, Riverdale, MD 20737-1231, (301) 734-0754.

SUPPLEMENTARY INFORMATION:

Background

Under the regulations in "Subpart--Fruits and Vegetables" (7 CFR 319.56-1 through 319.56-54, referred to below as the regulations), the Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture prohibits or restricts the importation of fruits and vegetables into the United States from certain parts of the world to prevent plant pests from being introduced into and spread within the United States.

Section 319.56-4 of the regulations contains a performance-based process for approving the importation of commodities that, based on the findings of a pest risk analysis (PRA), can be safely imported subject to one or more of the designated phytosanitary measures listed in paragraph (b) of that section. Under that process, APHIS publishes a notice in the Federal Register announcing the availability of the PRA that evaluates the risks associated with the importation of a particular fruit or vegetable. Following the close of the 60-day comment period, APHIS may authorize the importation of the fruit or vegetable subject to the identified designated measures if: (1) No comments were received on the PRA; (2) the comments on the PRA revealed that no changes to the PRA were necessary; or (3) changes to the PRA were made in response to public comments, but the changes did not affect the overall conclusions of the analysis and the Administrator's determination of risk.

In accordance with that process, we published a notice¹ in the Federal Register on August 11, 2011 (76 FR 49726, Docket No. APHIS-2010-0023), in which we announced the availability, for review and comment, of a PRA that evaluates the risks associated with the importation into the continental United States of fresh Cape gooseberry fruit (Physalis

¹ To view the notice and the PRA, go to <http://www.regulations.gov/#!docketDetail;D=APHIS-2010-0023>.

peruviana L.) with husks from Chile. We solicited comments on the notice for 60 days ending on October 11, 2011. We did not receive any comments by that date.

Therefore, in accordance with the regulations in § 319.56-4(c)(2)(ii), we are announcing our decision to authorize the importation into the continental United States of fresh Cape gooseberry fruit from Chile subject to the following phytosanitary measures:

- Cape gooseberry fruit will be subject to inspection upon arrival in the United States.
- Each consignment of Cape gooseberry fruit must be accompanied by a phytosanitary certificate issued by NPPO of Chile stating: “The Cape gooseberry in the consignment has been inspected and is free of pests.”
- Cape gooseberry fruit must be imported into the United States in commercial consignments only.

These conditions will be listed in the Fruits and Vegetables Import Requirements database (available at <http://www.aphis.usda.gov/favir>). In addition to these specific measures, fresh Cape gooseberry fruit from Chile will be subject to the general requirements listed in § 319.56-3 that are applicable to the importation of all fruits and vegetables.

Authority: 7 U.S.C. 450, 7701-7772, and 7781-7786; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 12th day of December 2011.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

